

**REMARKS/ARGUMENTS**

The present Amendment is in response to the Final Office Action having a mailing date of July 12, 2004. Claims 7-22 are pending in the present Application. Applicant has amended claims 7, 11, 15 and 20. Applicant has also canceled claims 10 and 19. Consequently, claims 7-9, 11-18, and 20-22 remain pending in the present Application.

Applicant has amended claims 7 and 15 to recite that the image capture device and image capture unit, respectively, are digital camera. Claims 10 and 19 previously recited that the image capture device and unit, respectively, are digital cameras. Accordingly, Applicant respectfully submits that no new matter is added and that no new search is required by the amendments to claims 7 and 15.

Claims 10 and 19 have been canceled. Claims 11 and 20 previously depended upon claims 10 and 19, respectively. Consequently, claims 11 and 20 have been amended to depend upon pending claims 7 and 15, respectively. Accordingly, Applicant respectfully submits that no new matter is added and that no new search is required by the amendments to claims 11 and 20.

This application is under Final Rejection. Applicant has presented arguments hereinbelow that Applicant believes should render the claims allowable. In the event, however, that the Examiner is not persuaded by Applicant's arguments, Applicant respectfully requests that the Examiner enter the Amendment to clarify issues upon appeal.

In the above-identified Office Action, the Examiner rejected claims 7-22 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,441,854B2 (Fellegara) in view of U.S. Patent No. 5,270,831 (Parulski).

Applicant respectfully traverses the Examiner's rejection. Claim 7 recites a method for correcting an aspect ratio of an image. The method of claim 7 is for a digital camera and includes rotating the image so

that the image appears upright on the image capture device and cropping the image if the aspect ratio of the image does not match a predetermined aspect ratio, thereby providing a cropped image. The method of claim 7 provides the possibly rotated and cropped image to a display. Claim 15 recites an analogous system. Thus, an upright image of the appropriate size can be provided to the digital imaging device. Consequently, performance of the digital imaging device is improved.

Fellegara fails to teach or suggest the method and system recited in claims 7 and 15, respectively. Applicant agrees that Fellegara describes cropping the images for certain modes of operation of the hybrid camera of Fellegara. However, as the Examiner has Acknowledged, Fellegara does not disclose rotating the image if required. More particularly, Applicant notes that the cited portions of Fellegara are devoid of mention of rotating the image so that the image appears upright on the image capture device. Consequently, the cited portions of Fellegara fail to teach or suggest or suggest the method and system recited in claims 7 and 15, respectively. Accordingly, Applicant respectfully submits that claims 7 and 15 are allowable over the cited references.

Parulski fails remedy the defects of Fellegara. Parulski describes a system that converts film images to digital images. Fellegara, col. 2, lines 46-51. Thus, the digital images are scanned in. As the images are digitized, a user then enters control codes that indicate the orientation of the film image. Parulski, col. 2, line 67-col. 3, line 1 and col. 5, lines 63-67. When the file for the image is provided to a playback device, the playback device can display the image upright. Parulski, col. 2, line 59-col. 3, line. Thus, the digitized film images can be displayed upright on the playback device.

Fellegara in view of Parulski fails to teach or suggest the method and system recited in claims 7 and 15. If the teachings of Parulski are added to those of Fellegara, then the film from the hybrid camera of Fellegara can be scanned using the system of Parulski. A user can enter the

orientation of the film image from the hybrid of camera of Fellegara into the system of Parulski. Using the playback device of Parulski, the digitized image from the hybrid camera of Parulski can be displayed upright. However, the system would not rotate the image on a digital camera. Instead, the image would be rotated using the playback device of Parulski. Thus, Fellegara in view of Parulski fail to teach or suggest rotating an image in a digital camera in combination with cropping the image. Fellegara in view of Parulski thus fail to teach or suggest the method and system recited in claims 7 and 15, respectively. Accordingly, Applicant respectfully submits that claims 7 and 15 are allowable over the cited references.

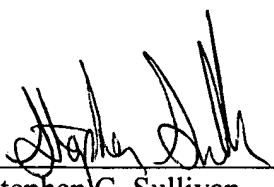
Claims 8-9 and 11-14 depend upon independent claim 7. Claims 16-18 and 20-22 depend upon independent claim 15. Consequently, the arguments herein apply with full force to claims 8-9, 11-14, 16-18, and 20-22. Accordingly, Applicant respectfully submits that claims 8-9, 11-14, 16-18, and 20-22 are allowable over the cited references.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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Date

  
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